UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

ANTHONY E. WHITE,)	
Plaintiff,)	
Ý	j	
V.)	Case No.: 5:13-cv-00684-F
)	
CATERPILLAR INC.,)	
)	
Defendant.)	

MOTION TO SET OR EXTEND TIME FOR A RESPONSIVE PLEADING TO PLAINTIFF'S FIRST AMENDED COMPLAINT

Defendant Caterpillar Inc. ("Defendant"), pursuant to L.R. 6.1 and F.R. Civ. P. 6 (b)(1), respectfully moves this Court as follows:

- 1. Defendant moves the Court for an order setting the time within which

 Defendant may answer or file a responsive pleading to the Amended Complaint [Docket

 No. 13], in view of the fact that the order allowing amendment of the Complaint was

 entered on December 31, 2013, but the now-active amendment was served on November

 25, 2013. Defendant interprets the timeline for response to allow fourteen (14) days from
 the date of the order allowing the amendment, which would be January 14, 2014.
- 2. In the alternative, should it be the order of this Court that an answer to the pleading was due within fourteen (14) days of the date of the pleading (as apparently contended by the plaintiff), then Defendant moves the Court pursuant to F.R.Civ.P. 6 for an order extending until January 14, 2014 the time within which Defendant may serve an answer or responsive pleading to Plaintiff's First Amended Complaint.

3. In view of Plaintiff's motion to default Defendant for failing to answer the amended complaint, as embodied in the Motion to Proceed and Response [docket entry 13], Defendant has not sought Plaintiff's consent to this motion. An argument supporting this motion is included within Defendant's Brief in Opposition to Plaintiff's motion for entry of judgment by default, filed herewith.

This the 13th day of January, 2014.

By: /s/ John T. Murray

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Local Civil Rule 83.1 Counsel

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CERTIFICATE OF SERVICE

I certify that on January 13, 2014, I served a true and correct copy of the attached Motion via first class U.S. mail, with adequate postage prepaid, addressed as follows:

Anthony E. White, *pro se Plaintiff* 103 Rock River Road Morrisville, North Carolina 27560

/s/ John T. Murray
Counsel for Defendant